

IN THE SPECIAL COURT OF EMINENT DOMAIN  
DESOTO COUNTY, MISSISSIPPI

MISSISSIPPI TRANSPORTATION COMMISSION

PETITIONER

VS.

ROBERT D. ALLEN, ET AL

STATE MS. - DESOTO CO. CAUSE NO. 8010  
FILED

May 11 11 33 AM '95

DEFENDANTS

JUDGMENT

285 316  
By: M. J. J. J. J. J.

THIS DAY this cause came on to be heard upon the claim of the Mississippi Transportation Commission to have condemned certain lands named in the Petition and described in Exhibit "A" attached hereto, and being the property of Robert D. Allen, et al. Defendant Robert D. Allen was served with process by personal service on May 5, 1993. Defendant Lex Sewell was served with process by personal service on May 11, 1993. Defendant Champion Land, Inc., was served with process by service upon its registered agent, Michael Scott Snider, on June 28, 1993. Defendant Steve Miles Custom Homes, Inc., was served with process by service upon its Secretary, Lora Bridges, on October 19, 1993. Defendant United Southern Bank was served with process by service upon its President Gary Alcorn on October 13, 1993. Defendant James E. Woods was served with process by personal service on October 19, 1993. Defendant Stewart Title Company of Memphis was served with process by service upon its registered agent, Sam P. Liberto on October 12, 1993. Defendant William T. Edwards was served with process by personal service on October 13, 1993. Defendant Sherry H. Malone was served with process by personal service on March 13, 1995. Defendant Fidelity Properties, Inc., was served with process by service upon Cindy Atchley, managing agent for Fidelity Properties, Inc., on April 7, 1995. Defendant Michael Snider was served with process by personal service on March 18, 1995. Defendant Metmor Financial, Inc. was served

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by process by service upon its registered agent, CT Corporation, on March 28, 1995. Defendant Humphries & Associates Mortgage Company, Inc., was served by process by service upon Heather Corbett, managing or general agent, on March 13, 1995. This case was set for trial on this date on May 11, 1995. All of these Defendants ~~have~~ <sup>except Sherry Malone who appears</sup> failed to file an answer to the Petition, failed to file a Statement of Values, and failed to appear at trial. <sup>except Sherry, Malone</sup> All Defendants are in default for their failure to appear at trial pursuant to Rule 55(b) M.R.C.P. <sup>Sherry, Malone agrees hereto</sup> and therefore judgment is appropriate.

This Judgment has the same force and effect as if fully tried to a jury and is rendered pursuant to Miss. Code Ann. §11-27-25.

The court has heard and considered the evidence under oath concerning just compensation. Based upon said evidence, the court returns a verdict and judgment in the sum of \$3,325.00.

That Mississippi Transportation Commission having previously acquired title and possession of the condemned property by instrument dated June 11, 1993, and filed in Book 260 at Page 97 in the office of the Chancery Clerk, Desoto County, Mississippi. On July 19, 1993, the Mississippi Transportation Commission tendered into the court the sum of \$3,000.00. The Mississippi Transportation Commission is allowed credit for said sum against the judgment rendered in this cause. Now, upon payment of the said award, with legal interest from the date of filing the Complaint at the rate of eight percent (8%) per annum upon the amount of such excess over and above the amount of deposit, ownership of said property shall be vested in Plaintiff and it may be appropriated to the public use as prayed for in the complaint.

Let the Plaintiff pay the costs, for which execution may issue.

ORDERED AND ADJUDGED on this the 11<sup>th</sup> day of May, 1995.

Mills Barbee  
JUDGE OF THE SPECIAL COURT OF EMINENT DOMAIN

Agreed: Sherry Malone

INSTRUCTIONS TO RECORDER:

Record in Lots 447 and 448, Section C, Eastover Subdivision, SE 1/4 of SW 1/4, Section 29, T1S, R6W, Olive Branch, Desoto County, Mississippi, under the names of Mills Barbee, signatory and Robert D. Allen, Lex Sewell, Champion Land, Inc., Steve Miles Custom Homes, Inc., Sherry H. Malone, Fidelity Properties, Inc., and Michael Snider, owners.

PREPARED BY AND RETURN TO:

PAULINE SHULER LEWIS  
P. O. Drawer 1600  
Clarksdale, MS 38614  
601/627-4477

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IN THE SPECIAL COURT OF EMINENT DOMAIN  
DESOTO COUNTY, MISSISSIPPI

MISSISSIPPI TRANSPORTATION COMMISSION

PETITIONER

VS.

STATE OF MISSISSIPPI  
DESOTO COUNTY

I, Jeanette B. Martin, Clerk of the Circuit Court in and for said  
County and State, hereby certify that the foregoing is a true and  
correct copy of the \_\_\_\_\_ as same appears  
on file or of record in \_\_\_\_\_ Page \_\_\_\_\_ of the  
Records of DeSoto County, Mississippi.

CIVIL ACTION NO. 8010

ROBERT D. ALLEN, ET AL

DEFENDANTS

Witness my hand and official seal this \_\_\_\_\_ day of  
\_\_\_\_\_, 19\_\_\_\_  
\_\_\_\_\_  
Circuit Clerk, DeSoto County, Mississippi

EXHIBIT "A"

All of the following excepting and excluding therefrom all  
oil and gas and other minerals which may be produced  
through a well bore.

TOWNSHIP 1 SOUTH, RANGE 6 WEST, SECTION 29

Begin at the point of intersection of the Western line of  
Lot 448 of Section C, Eastover Subdivision, being a Western  
line of Defendants property, with the present Northern  
right-of-way line of Mississippi Highway No. 302, said  
point of intersection is 55.5 feet North of and 1578.4 feet  
East of the Southwest corner of Section 29, Township 1  
South, Range 6 West; from said point of beginning run  
thence North 00° 18' West along said Western property line,  
a distance of 12.5 feet to the proposed Northern right-of-  
way line of a proposed highway project being known and  
designated as Federal Aid Project No. 19-0021-01-018-10,  
being a segment of Mississippi Highway No. 302; thence  
North 89° 48' East along said proposed right-of-way line, a  
distance of 179.6 feet to the Eastern line of Lot No. 447  
of said Section C, Eastover Subdivision, being an Eastern  
line of Defendants property; thence South 00° 06' East  
along said Eastern property line, a distance of 13.1 feet  
to the said present Northern right-of-way line of  
Mississippi Highway No. 302; thence South 89° 59' West  
along said present Northern right-of-way line, a distance  
of 179.6 feet to the point of beginning, containing 0.05  
acres, more or less, and being situated in and a part of  
Lot Nos. 447 and 448 of Section C, Eastover Subdivision, in  
the Southeast 1/4 of the Southwest 1/4 of Section 29,  
Township 1 South, Range 6 West, City of Olive Branch,  
DeSoto County, Mississippi.